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Attorney for Plaintiff:
Joe Hand Promotions, Inc.

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

JOE HAND PROMOTIONS, INC.,)	Case No.: 1:17-cv-6509
)	
Plaintiff,)	COMPLAINT
)	
vs.)	
)	
SMITH RIVER CORP. d/b/a BANK)	
TAVERN, ALAN PETER HARTLEY,)	
)	
Defendants.)	

Plaintiff JOE HAND PROMOTIONS, INC., by and through its attorneys, for its
Complaint against Defendants, hereby alleges as follows:

THE PARTIES

1. Plaintiff JOE HAND PROMOTIONS, INC. is a corporation organized and
existing under the laws of Pennsylvania with its principal place of business at 407 East
Pennsylvania Blvd., Feasterville, PA 19053. Plaintiff held the exclusive commercial distribution
rights to the broadcast of *Ultimate Fighting Championship® 205: Alvarez v. McGregor* telecast
nationwide on November 12, 2016 ("Program").

2. Upon information and belief, Defendant SMITH RIVER CORP.

- a. is a business entity, the exact nature of which is unknown;
- b. is a business that conducts business in the State of California;
- c. conducted business as “Bank Tavern” on November 12, 2016;
- d. operates, maintains and controls the establishment known as Bank Tavern located at 100 W. First Street, Smith River, CA 95567 (the “Establishment”); and
- e. operated, maintained and controlled the Establishment on November 12, 2016.

3. Upon information and belief, Defendant ALAN PETER HARTLEY is an individual residing in the State of California. On the date of the Program, Defendant ALAN PETER HARTLEY:

- a. was an officer, director, shareholder, member and/or principal of the entity owning and operating the Establishment;
- b. had a right and ability to supervise the activities of the Establishment; and
- c. had an obvious and direct financial interest in the activities of the Establishment.

JURISDICTION AND VENUE

4. This Court has subject matter jurisdiction under 28 U.S.C. § 1331 (federal question) as this civil action is brought under the Communications Act of 1934, as amended, 47 U.S.C. § 553 (generally referred to as “Cable Piracy”) and 47 U.S.C. § 605 (generally referred to as “Satellite Piracy”).

1 However, Defendants chose not to contract with Plaintiff or pay a fee to Plaintiff to obtain the
2 proper license or authorization. At no time did Plaintiff give Defendants license, permission or
3 authority to receive and exhibit the Program in their Establishment.
4

5 11. By unauthorized satellite transmission or, alternatively, by unauthorized receipt
6 over a cable system, Defendants willfully intercepted or received the interstate communication of
7 the Program or assisted in such actions. Defendants then unlawfully transmitted, divulged and
8 published said communication, or assisted in unlawfully transmitting, divulging and publishing
9 said communication to patrons in the Establishment.
10

11 12. Without authorization, license, or permission to do so from Plaintiff, Defendants
12 exhibited the Program to the patrons within their Establishment.

13 13. Defendants pirated Plaintiff's licensed exhibition of the Program and infringed
14 upon Plaintiff's exclusive rights while avoiding proper authorization and payment to Plaintiff.
15 Defendants' actions were committed willfully and with the purpose and intent to secure a
16 commercial advantage and private financial gain.
17

18 14. At the time of the wrongful conduct described herein, Defendants' agents,
19 servants and employees were in fact Defendants' agents, servants and employees, and acting
20 within the scope of their employment and authority as Defendants' agents, servants and
21 employees.
22

23 SATELLITE PIRACY/CABLE PIRACY

24 15. Plaintiff repeats, re-alleges, and incorporates by reference, each and every
25 allegation and averment set forth in the above paragraphs of this Complaint with the same force
26 and effect as if the same were more fully set forth at length herein.
27
28

17. Plead in the alternative, Defendants' wrongful actions, in connection with the unauthorized exhibition of the Program, as described above, violates 47 U.S.C. § 553, and by virtue of same, Plaintiff has standing and capacity to bring a private right of action.

PRAYER

a. for statutory damages, in the discretion of this Court, of up to the maximum amount of \$110,000.00 for the willful violation of 47 U.S.C. § 605, or alternatively, for statutory damages, in the discretion of this Court of up to the maximum amount of \$60,000.00 for the willful violation of 47 U.S.C. § 553;

c. for such other and further relief to which Plaintiff may be entitled.

/s/ David J. Davoli
David J. Davoli, Esq.
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